

CAUSE NO. 2025-20441

VAN NGUYEN and
THANH HONG NGUYEN
Plaintiff,

vs.

THUY PHAM,
Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

234th JUDICIAL DISTRICT

**DEFENDANT'S VERIFIED ORIGINAL ANSWER, GENERAL DENIAL,
AND AFFIRMATIVE DEFENSES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, THUY PHAM a/k/a THUY VAN PHAM, Defendant herein, and files this ORIGINAL ANSWER, GENERAL DENIAL, AND AFFIRMATIVE DEFENSES, and would show the Court the following:

**I.
GENERAL DENIAL**

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies each and every, all and singular, material allegations contained in Plaintiffs' live Petition, and requests that Plaintiffs be required to prove such allegations by a preponderance of all credible evidence.

**II.
AFFIRMATIVE DEFENSES**

2. Without assuming any burden of proof where none exists at law, and subject to the foregoing General Denial, Defendant asserts the following affirmative defenses:

3. **Truth:** Any statements made by Defendant regarding Plaintiffs, if any, were true and/or substantially true.

4. **Opinion:** Any statements made by Defendant, if any, constituted non-actionable statements of opinion.

EXHIBIT

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5. **Texas Citizens Participation Act (TCPA):** Plaintiffs' legal action is based on, relates to, or is in response to Defendant's exercise of the right of free speech, right to petition, or right of association as defined in Chapter 27 of the Texas Civil Practice and Remedies Code. Therefore, Plaintiffs' claims are subject to dismissal, and Defendant is seeking to recover any and all entitled attorney's fees, costs, and sanctions pursuant to the TCPA.

6. **Statute of Limitations:** Plaintiffs' claims, or some portion thereof, are barred by the applicable statute of limitations, including the one-year statute of limitations for defamation claims and/or other tort claims pursuant to Tex. Civ. Prac. & Rem. Code § 16.002(a) and other limitations statutes.

7. **Failure to State a Claim:** Plaintiffs' Original Petition fails to state a claim upon which relief can be granted, particularly concerning the alleged violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 *et seq.* Plaintiffs have failed to plead the necessary elements required for such claims, including but not limited to the existence of a qualifying enterprise or a pattern of racketeering activity.

8. **Lack of RICO Standing:** Plaintiffs lack standing to bring their claims under RICO because they have not suffered an injury to business or property by reason of the alleged conduct as required by 18 U.S.C. § 1964(c).

9. **Failure to Mitigate Damages:** Plaintiffs failed to exercise reasonable diligence to mitigate any alleged damages.

10. Defendant reserves the right to amend this Answer and plead additional affirmative defenses as discovery progresses.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Thuy Van Pham prays that Plaintiffs' claims be dismissed, that Plaintiffs take nothing by their suit, that Defendant be awarded costs of court and attorney's fees (including those potentially available under the TCPA), and that Defendant have such other and further relief, both general and special, at law and in equity, to which Defendant may be justly entitled.

Respectfully submitted,

By: /s/ Cactus Jack Cagle
Cactus Jack Cagle
CAGLE & ASSOCIATES
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The Texas Justice Center
4900 Fournace Place, #200
Bellaire, Texas 77401
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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following instrument was served on all counsel of record in compliance with Rule 21a, Tex. R. Civ. P., on April 4, 2025.

By: /s/ Cactus Jack Cagle
Cactus Jack Cagle

VERIFICATION


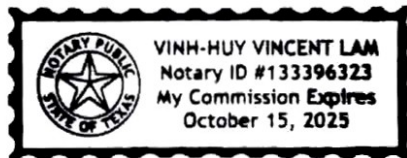
STATE OF TEXAS §
COUNTY OF HARRIS §

Before me, a notary public, on this day, personally appeared **THUY VAN PHAM**, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct and within personal knowledge.



THUY VAN PHAM

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on April 4, 2025, to certify which witness my hand and seal of office.



**NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS**